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thought he could use it to advantage in a railroad election in counting the vote, this did not constitute a delivery passing title to the husband; since while the deed may be delivered not only to the grantee himself but to a stranger for his use, or declared to be delivered although the grantee be absent, yet, if delivered to a stranger without any declaration or other matter to show that it is for the use of the grantee, it is not a sufficient delivery.

[Ed. Note.—For other cases, see *Deeds*, Cent. Dig. §§ 130-135; *Dec. Dig.* § 58.\* 4 *Va.-W. Va. Enc. Dig.* 404; 14 *Va.-W. Va. Enc. Dig.* 319; 15 *Va.-W. Va. Enc. Dig.* 266.]

Appeal from Circuit Court, Grayson County.

Suit for partition by Celia Leftwich and others against Josephine Early. From a decree dismissing the bill, complainants appeal. Affirmed.

*J. S. Bourne* and *H. A. Cox*, both of Independence, for appellants.

*R. L. Kirby*, of Independence, for appellee.

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MORGAN *v.* COMMONWEALTH.

Sept. 11, 1913.

[79 So. 388.]

**Criminal Law (§ 1014\*)—Appeal and Error—Successive Petitions for Writ of Error.**—Under Code 1904, § 3466, providing that when the Court of Appeals shall deem the judgment complained of clearly right, and shall reject a petition for a writ of error on that ground, and the order of rejection so states, no other petition shall thereafter be entertained, the court is without jurisdiction to entertain an amended petition for a writ of error to a judgment of conviction for crime, after the original petition had been denied in an order expressly stating that the court was of the opinion that the judgment was clearly right.

[Ed. Note.—For other cases, see *Criminal Law*, Cent. Dig. § 2571; *Dec. Dig.* § 1014.\* 1 *Va.-W. Va. Enc. Dig.* 503.]

Error to Circuit Court, Wise County.

One Morgan was convicted of malicious shooting, and files an amended petition for a writ of error. Petition denied.

*Bond & Bruce*, of Wise, for petitioner.

*The Attorney General*, for the Commonwealth.

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\*For other cases see same topic and section NUMBER in *Dec. Dig.* & *Am. Dig.* Key No. Series & Rep'r Indexes.